

COLORADO STATE BOARD OF PHARMACY
November 19, 2009

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Paul Limberis, R.Ph., at approximately 8:40 a.m. on Thursday, November 19, 2009 at 1560 Broadway, Conference Room 110D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph., Jeannine G. Dickerhofe, R.Ph., Rich Doyle, R.Ph., Katherine Edelblut, R.Ph., Paul Limberis, R.Ph., and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Susan Martin, R.Ph., Inspector; and Mark O'Neill, R.Ph., Inspector. Also present was Jo Kaye, Assistant Attorney General to advise the Board.

ELECTION OF OFFICERS

A motion was made, seconded and carried to elect Rich Doyle, R.Ph. as President of the Board.

A motion was then made, seconded and carried to elect Jeannine G. Dickerhofe, R.Ph. as Vice President of the Board.

APPROVAL OF MINUTES

The Board approved the minutes from the October 22, 2009 meeting as amended.

ADDITIONS TO THE AGENDA

Policy 30-8
Rule 18
Case 2010-0991

APPEARANCES

None

HEARINGS

None

REPORTS

President's Remarks

Mr. Limberis thanked the Board for allowing him to serve as its president over the past year.

Program Director's Report

The Board reviewed resumes of individuals interested in serving on the Patient Safety Task Force. After due consideration, the Board selected Timothy Georgia, PharmD; Paul

Jennings, RPH; Val Kalnins, RPH, Sondra May, PharmD; March Meyer, RPH; Tom Simpleman, RPH; Stuart Read, RPH; and Gerald Young, RPH to serve on the task force. The Board directed staff to contact Marla Worley, RPH and inquire whether she would be interested in serving on the task force. If she declined, the Board directed staff to contact either Miles Doane, RPH or Susan Davenport, RPH to inquire whether either of them were interested in participating. Katherine Edelblut, RPH and Averil Strand, RN agreed to participate on the task force as well.

The Board reviewed changes to Policy 30-8. After due consideration, the Board approved the policy as amended and directed staff to include a copy of the completed policy in the next Board agenda packet..

The board reviewed proposed changes to rule 5.01.31. After due consideration, the Board moved the matter to hearing.

The Board reviewed proposed changes to Rule 18. After due consideration, the Board moved the matter to hearing.

The Program Director updated the Board on the transition to electronic board packets. She told the Board that each member would be contacted in the near future for training on the new board books.

Ms. Anderson advised the Board that the Drug Enforcement Administration had proposed that carisoprodol be changed to a controlled substance.

Colorado Pharmacists Society (CPS) – Rich Doyle, RPh

Fifteen hours of CE will be offered at the 2010 CPS Winter CE Seminar, January 10-13, 2010 at the Westin Riverfront Resort located at the base of Beaver Creek Mountain in Avon. The CE programs will include a new drug update, women's health issues and new developments in the pharmacotherapies used in the treatment of cardiovascular disease, diabetes, gout, GI conditions and infectious diseases. Details are available on the CPS website www.copharm.org.

CPS and the CU School of Pharmacy will be offering 6 hours of ACPE credit at the 8th Annual Advances in Pharmacy Practice, February 20, 2010 on the Anschutz Medical Campus. Programs will include pain management, osteoporosis, alternative & complementary medicine, HIV/AIDS, new drugs, and pharmacy law. Details are on the CPS website, www.copharm.org.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

None

Intern & School Relations – Jeannine Dickerhofe, RPh

Cathy Jarvis, Assistant Dean, University of Colorado Denver School of Pharmacy, updated the Board on some technology updates at the school. Lane Brunner, Dean of Regis University School of Pharmacy, updated the board on the students' progress this semester.

Legislation - Jeannine Dickerhofe, RPh.

None

Rules – Rich Doyle

None

Inspectors

None

OLD BUSINESS

Stipulations

Oliver W. Stanford, RPH 14507

The Board reviewed an Agenda Memorandum from Tia Johnson, Complaint Analyst and Licensing Specialist for the Board, concerning Stanford's request for early discharge from the terms of his Stipulation and Final Agency Order.

The Board voted unanimously to refer the matter to executive session for legal advice.

After executive session, the Board voted to deny Stanford's request at this time.

Miscellaneous

Request for Exemption from Rule 3.00.86

Jeannine G. Dickerhofe, R.Ph. recused.

The Board reviewed a request from Kaiser Permanente Pharmacy Automated Refill Center to waive Rule 3.00.86 which requires, among other things, that prescriptions which are dispensed (but not delivered) to be returned in the containers in which they were originally dispensed.

After serious consideration of available information, the Board denied the request.

The Board also reviewed suggested amendments to Rules 3.00.86 and 3.01.22 that would allow the contents of returned to stock to be returned into automated cassettes.

The Board directed this matter be researched by the Board's Rules Committee at a future meeting of that committee.

NEW BUSINESS

Complaints

Ablicki, Leopold M, RPH 12787

2010-0972

Jeannine G. Dickerhofe, R.Ph. recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

The Board also directed its staff to send Kaiser Permanente Rock Creek Pharmacy a letter requesting how it would address the security of its compounding / dispensing area, with a response to be due within 30 days of the date of the letter.

Larson, Donald H., RPH 11493

2010-0973

Jeannine G. Dickerhofe, R.Ph. recused.

The Board voted unanimously to dismiss the case as being without merit.

Heimke, David W., RPH 8789

2010-1117

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

Helstad, Bryan R., RPH 11549

2010-0465

Katherine Edelblut, R.Ph. recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session the Board found that the public health, safety, or welfare imperatively required emergency action and voted to summarily suspended Mr. Helstad's pharmacist license should he fail to enter into an agreement whereby he agreed not to practice pharmacy.

Helstad, Bryan R., RPH 11549

2010-1096

Katherine Edelblut, R.Ph. recused.

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board found that the public health, safety, or welfare imperatively required emergency action and voted to summarily suspended Mr. Helstad's pharmacist license should he fail to enter into an agreement whereby he agreed not to practice pharmacy.

Knight, Noel, RPH 17669

2010-0088

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Strasser, Jason E., RPH 17463

2010-1061

The Board voted unanimously to refer the case to executive session for discussion of possible disciplinary action.

After executive session, the Board voted to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Walgreen Pharmacy # 06621, PDO 73-104

2010-0732

The Board voted unanimously to dismiss the case as being without merit.

LICENSING

Other Outlets, New

The Board approved the registration of 2 new other outlets.

Prescription Drug Outlets, New (In-State)

The Board approved the registrations of 3 new in-state prescription drug outlets.

Prescription Drug Outlets, New (Out-of-State)

The Board approved the registrations of 8 new nonresident prescription drug outlets.

Manufacturers, New

The Board approved the registrations of 1 new manufacturer.

Limited Licenses, New

The Board approved the registrations of no new limited licenses.

Wholesalers, New (In-State)

The Board approved the registrations of no new in-state Wholesalers.

Wholesalers, New (Out-of-State)

The Board approved the registrations of 17 new out-of-state Wholesalers.

Licensure by Examination and Score Transfer

The Board ratified the licensure of 16 applicants for licensure.

Licensure by License Transfer

The Board ratified the licensure of 18 applicants seeking licensure through license transfer. It was noted that these licensees met all of the requirements for licensing under the provisions of section 12-22-116, C.R.S.

LICENSURE ISSUES

None.

MISCELLANEOUS

Correspondence, etc.

Peer Assistance Services, 2009-2010 1st Quarter Report

The Board noted the information, deciding that no further action was needed.

Anonymous Complaint Regarding Lisa Corrigan, RPH 14686

After serious consideration of available information, the Board decided that no further action was needed.

Complaint against Jeff Meador, RPH 16368

After serious consideration of available information, the Board decided that no further action was needed as the Board determined that it did not possess jurisdiction in the matter. The Board also noted that the complainant misquoted CRS 12-22-126(1)(k).

EXECUTIVE SESSION

At 12:00 pm Board President Paul Limberis moved that that the Board enter into Executive Session to discuss with counsel disputes that are the subject of pending or imminent litigation, specific claims or grievances, or legal advice on specific legal questions, pursuant to CRS section 24-6-402 subsection (3)(a) roman (II), and matters required to be kept confidential by federal law or rules or state statutes pursuant to CRS sections 24-6-402 subsection (3)(a) roman (III) and 12-22-125.2 subsection (7)(a) including:

- Discussion with Counsel regarding the Rehabilitation Evaluation Committee report and other legal questions;
- Discussion with Counsel regarding the Case Status Report for matters that have been referred to the Expedited Settlement Program, including settlement negotiations, counteroffers and other legal questions;
- Discussion with Counsel regarding the legal basis for potential application denial, confidential letters of concern, disciplinary action, and, where warranted recommended settlement guidance regarding on all matters referred to Executive Session earlier in the meeting;
- Discussion with Counsel regarding legal questions pertaining to the Case Status Report of the Office of the Attorney General.

Mr. Limberis further moved that the Board enter into Executive Session for the purpose of discussing reports of malpractice claim settlements required to be kept confidential by federal law or rules or state statutes pursuant to CRS 24-6-402 subsection (3)(a) roman (III), and CRS section 12-22-113.5 subsection 3, including case numbers: 2010-0460, 2010-0466, 2010-0733, 2010-0826, and 2010-0991.

In addition, the Board President moved that the Board enter into Executive session for the purpose of discussing matters required to be kept confidential by federal law or rules or state statutes pursuant to CRS section 24-6-402 subsection (3)(a) roman (III) to include the Peer Assistance Services reports of Daniel Edmisten, RPH, and David Yang, RPH.

Patient medical records are confidential pursuant to CRS section 25-1-1201 et seq. and CRS 13-90-107 subsection (1)(d). Drug and alcohol treatment records are also confidential pursuant to 42 Code of Federal Regulations Part 2, Article 21, Part 12, and CRS section 13-90-107.

The motion was seconded. The vote was unanimous with six votes approving the motion to go into Executive Session and none opposing.
The Board exited Executive Session at 2:18 pm.

Open Session

The Board voted to accept applicant PR10-172 into the Pharmacy Peer Health Assistance Diversion Program.

The Board voted to accept applicant PR10-173 into the Pharmacy Peer Health Assistance Diversion Program.

The Board voted to allow Pharmacy Peer Health Assistance Diversion Program participants PR02-078, RP07-139, and PR09-169 to return to the practice of pharmacy.

David Yang, RPH (Case 2010-0961)

Board voted to refer the case for discipline.

Case 2010-0460

The Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Case 2010-0466

The Board voted to dismiss the case as being without merit.

Case 2010-0733

The Board voted to dismiss the case as being without merit.

The Board however also voted to initiate a complaint against the prescription drug outlet registration of Walgreen Pharmacy # 07252 (PDO 44-20).

Case 2010-0826

The Board voted to dismiss the case as being without merit.

Case 2010-0991

The Board voted to dismiss the case as being without merit.

ADJOURNMENT

The Board adjourned at approximately 2:24 p.m.

Approved by Paul Limberis, R.Ph., President Date: January 21, 2010